

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA

JAMES CARL HIGGS,	)	
	)	
Plaintiff,	)	
vs.	)	No. 1:04-cv-316-DFH-TAB
	)	
S. BRIGGS, et al.,	)	
	)	
Defendants.	)	

Entry Concerning Selected Matters

I.

The defendants' objection to the filing of an amended complaint by the plaintiff is **overruled**. The screening process required by 28 U.S.C. § 1915A(b) assures the parties that only viable claims will proceed. This assessment must be made as to the amended complaint filed on June 1, 2006, unless the plaintiff indicates that he wishes to proceed instead with the "amended and/supplemental complaint" received by the clerk on July 17, 2006.

Joe Thomas is included as a defendant in the amended complaint. The amended complaint will therefore be deemed to be **amended by interlineation** to include the allegations in the plaintiff's filing of August 16, 2006, as to Mr. Thomas.

II.

The plaintiff's motion to inspect and produce, filed on August 28, 2006, has been considered in conjunction with the plaintiff's motion for reconsideration, filed on September 5, 2006. Each such motion is **denied**, consistent with the following:

- a. The defendants shall have **through May 15, 2007**, in which to provide the plaintiff with a copy of each of the documents described, identified, or listed as their intended exhibits at trial in their certificate of readiness for trial. The plaintiff shall do likewise, **not later than April 24, 2007**.
- b. Written discovery may then be conducted as need and shall be completed **not later than August 14, 2007**.

III.

The plaintiff's request to inspect and copy, filed on August 2, 2006, is **denied**. The reason for this ruling is there is no indication that the defendants possess the transcripts described in the motion, nor that they have a means of doing so superior to that available to the plaintiff.

IV.

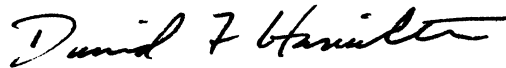
The plaintiff states on page 2 of his filing of August 23, 2006, that he "cannot maintain this civil rights lawsuit with [sic: without?] assistance with the court." This is followed by the statement that the plaintiff "need[s] an attorney." The plaintiff has not been found to be a litigant for whom the court should attempt to recruit legal representation at this point. The plaintiff shall therefore **report not later than March 14, 2007**, whether he is prepared to proceed with this action.

The plaintiff shall also **report not later than March 14, 2007**, whether he wishes to proceed with the amended complaint filed on June 1, 2006, or with the "amended and/supplemental complaint" received by the clerk on July 17, 2006. In order to facilitate his ability to respond meaningfully to these directions, a copy of each such document shall be included with the plaintiff's copy of this Entry.

V.

Any pending motion not specifically addressed in this Entry is **denied**.

So ordered.



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DAVID F. HAMILTON, Judge  
United States District Court

Date: 3/5/2007

Distribution:

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